

AMENDED IN SENATE JULY 7, 2008
AMENDED IN SENATE JULY 1, 2008
AMENDED IN SENATE JUNE 18, 2008
AMENDED IN SENATE MARCH 13, 2008
AMENDED IN ASSEMBLY MAY 15, 2007
AMENDED IN ASSEMBLY MAY 3, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 830

Introduced by Assembly Member Ma

February 22, 2007

An act to amend Section 40081 of the Education Code, to add Section 5384.2 to the Public Utilities Code, to amend Section 545 of, and to add Section ~~12517.4.5~~ 12517.45 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as amended, Ma. Vehicles: transportation of school pupils.

(1) Existing law authorizes the governing board of a school district to contract for the transportation of pupils attending schools within the district to and from specified activities and authorizes the governing board to pay for that transportation out of any funds of the district available for that purpose.

This bill would provide that a school or a school district would not be liable for transportation services provided by an operator of a charter-party carrier, as defined, for which the school or the school district has not contracted, arranged, or otherwise provided.

(2) Under existing law, the State Department of Education is required to develop or approve driver training courses for drivers of specified types of vehicles.

This bill would require the department, by January 1, 2010, in consultation with the Department of Motor Vehicles and the Department of the California Highway Patrol, to review and, if necessary, revise its training courses and requirements for drivers who operate specified charter-party carrier vehicles used for the transportation of pupils.

(3) Existing law provides for the issuance by the Department of Motor Vehicles of a certificate to drive specified types of vehicles, including a schoolbus or a school pupil activity bus and imposes specified requirements on a person who operates a schoolbus or a youth bus in the transportation of school pupils. Existing law specifically excludes specified motor vehicles from the definition of a schoolbus.

This bill would, in addition, exclude from the definition of schoolbus a motor vehicle designed to carry not more than 25 persons including the driver, while being used for the transportation of pupils to or from school-related activities if the vehicle is operated by a charter-party carrier not under a contractual agreement with a school or school district, and the transportation does not duplicate transportation services for pupils provided by the school or school district. The bill would prohibit a person from operating that type of motor vehicle unless that person has specified documents in his or her immediate possession and would require that person to perform specified duties. The bill would also require that vehicle to pass a specified annual inspection.

(4) Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise provided.

Because this bill would add provisions to the Vehicle Code, the violation of which would be a crime, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40081 of the Education Code is amended
2 to read:

3 40081. (a) The department shall develop or approve courses
4 for training school pupil activity bus (SPAB), transit bus,
5 schoolbus, and farm labor vehicle drivers that will provide them
6 with the skills and knowledge necessary to prepare them for
7 certification pursuant to Sections 12517, 12519, and 12804.6 of
8 the Vehicle Code. The department shall seek the advice and
9 assistance of the Department of Motor Vehicles and the Department
10 of the California Highway Patrol in developing or approving those
11 courses.

12 (b) The department shall train or approve the necessary
13 instructional personnel to conduct the driver training courses. For
14 all schoolbus and school pupil activity bus (SPAB) driver instructor
15 training, the department shall provide for and approve the course
16 outline and lesson plans used in the course. For transit bus and
17 farm labor vehicle driver training, the department shall approve
18 the course outline and lesson plans used in the course.

19 (c) All courses of study and training activities required by this
20 article shall be approved by the department and given by, or in the
21 presence of, an instructor in possession of a valid school pupil
22 activity bus (SPAB), transit bus, schoolbus, or farm labor vehicle
23 driver instructor certificate of the appropriate class.

24 (d) As an alternative to subdivisions (a), (b), and (c), instructors
25 who have received a certificate from the Transportation Safety
26 Institute of the United States Department of Transportation
27 indicating that they have completed the Mass Transit Instructor
28 Orientation and Training (Train-the-Trainer) course may approve
29 courses of instruction and train transit bus drivers in order to meet
30 the requirements for certification pursuant to Section 12804.6 of
31 the Vehicle Code.

32 (e) On or before January 1, 2010, the department, in consultation
33 with the Department of Motor Vehicles and the Department of the
34 California Highway Patrol, shall review and, if necessary, revise
35 its training courses and requirements for drivers of vehicles
36 described in subdivision (k) of Section 545 of the Vehicle Code.
37 The review shall address the course content and the minimum
38 number of hours required for classroom instruction and

1 behind-the-wheel training in order to ensure that drivers of those
2 vehicles are trained in a manner that is appropriate for the type of
3 vehicle they will be driving to transport pupils in a safe manner.

4 SEC. 2. Section 5384.2 is added to the Public Utilities Code,
5 to read:

6 5384.2. A school or school district is not liable for
7 transportation services provided by an operator of a charter-party
8 carrier operating a motor vehicle as specified in subdivision (k)
9 of Section 545 of the Vehicle Code for which the school or school
10 district has not contracted, arranged, or otherwise provided.

11 SEC. 3. Section 545 of the Vehicle Code is amended to read:

12 545. A “schoolbus” is a motor vehicle designed, used, or
13 maintained for the transportation of any school pupil at or below
14 the 12th-grade level to or from a public or private school or to or
15 from public or private school activities, except the following:

16 (a) A motor vehicle of any type carrying only members of the
17 household of the owner of the vehicle.

18 (b) A motortruck transporting pupils who are seated only in the
19 passenger compartment, or a passenger vehicle designed for and
20 carrying not more than 10 persons, including the driver, unless the
21 vehicle or truck is transporting two or more disabled pupils
22 confined to wheelchairs.

23 (c) A motor vehicle operated by a common carrier, or by and
24 under the exclusive jurisdiction of a publicly owned or operated
25 transit system, only during the time it is on a scheduled run and is
26 available to the general public, or on a run scheduled in response
27 to a request from a disabled pupil confined to a wheelchair, or
28 from a parent of the disabled pupil, for transportation to or from
29 nonschool activities, and the motor vehicle is designed for and
30 actually carries not more than 16 persons including the driver, is
31 available to eligible persons of the general public, and the school
32 does not provide the requested transportation service.

33 (d) A school pupil activity bus.

34 (e) A motor vehicle operated by a carrier licensed by the
35 Interstate Commerce Commission which is transporting pupils on
36 a school activity entering or returning to the state from another
37 state or country.

38 (f) A youth bus.

39 (g) Notwithstanding any other provisions of this section, the
40 governing board of a district maintaining a community college

1 may, by resolution, designate any motor vehicle operated by or
2 for the district, a schoolbus within the meaning of this section, if
3 it is primarily used for the transportation of community college
4 students to or from a public community college or to or from public
5 community college activities. The designation shall not be effective
6 until written notification thereof has been filed with the Department
7 of the California Highway Patrol.

8 (h) A state-owned motor vehicle being operated by a state
9 employee upon the driveways, paths, parking facilities, or grounds
10 specified in Section 21113 that are under the control of a state
11 hospital under the jurisdiction of the State Department of
12 Developmental Services where the posted speed limit is not more
13 than 20 miles per hour. The motor vehicle may also be operated
14 for a distance of not more than one-quarter mile upon a public
15 street or highway that runs through the grounds of a state hospital
16 under the jurisdiction of the State Department of Developmental
17 Services, if the posted speed limit on the public street or highway
18 is not more than 25 miles per hour and if all traffic is regulated by
19 posted stop signs or official traffic control signals at the points of
20 entry and exit by the motor vehicle.

21 (i) A general public paratransit vehicle, if the general public
22 paratransit vehicle does not duplicate existing schoolbus service,
23 does not transport a public school pupil at or below the 12th grade
24 level to a destination outside of that pupil's school district, and is
25 not used to transport public school pupils in areas where schoolbus
26 services were available during the 1986–87 school year. In areas
27 where expanded school services require expanded transportation
28 of public school pupils, as determined by the governing board of
29 a school district, general public paratransit vehicles shall not be
30 used to transport those pupils for a period of three years from the
31 date that a need for expansion is identified. For purposes of this
32 section, a pupil is defined as a student at or below the 12th grade
33 level who is being transported to a mandated school activity.

34 (j) A schoolbus with the flashing red light signal system, the
35 amber warning system, and the schoolbus signs covered, while
36 being used for transportation of persons other than pupils, to or
37 from school or school related activities.

38 (k) A motor vehicle, other than a motor vehicle described in
39 subdivision (b), that is designed to carry not more than 25 persons
40 including the driver, while being used for the transportation of

1 pupils to or from school-related activities if the vehicle is operated
2 by a passenger charter-party carrier certified and licensed by the
3 Public Utilities Commission pursuant to Chapter 8 (commencing
4 with Section 5351) of Division 2 of the Public Utilities Code that
5 is not under a contractual agreement with a school or school
6 district, and the transportation does not duplicate schoolbus service
7 or any other transportation services for pupils contracted, arranged,
8 or otherwise provided by the school or school district.

9 SEC. 4. Section ~~12517.4.5~~ 12517.45 is added to the Vehicle
10 Code, to read:

11 ~~12517.4.5.~~

12 12517.45. (a) A person shall not operate a motor vehicle
13 described in subdivision (k) of Section 545 while transporting
14 school pupils at or below the 12th-grade level to or from a public
15 or private school or to or from public or private school activities,
16 unless all of the following requirements are met:

17 (1) The person has in his or her immediate possession all of the
18 following:

19 (A) A valid driver's license of a class appropriate to the vehicle
20 driven and that is endorsed for passenger transportation.

21 (B) Either a certificate to drive a schoolbus as described in
22 Section 40082 of the Education Code, or a certificate to drive a
23 school pupil activity bus as described in Section 40083 of the
24 Education Code, issued by the department in accordance with
25 eligibility and training requirements specified by the department,
26 the State Department of Education, and the Department of the
27 California Highway Patrol.

28 (C) A parental authorization form for each pupil signed by a
29 parent or a legal guardian of the pupil that gives permission for
30 that pupil to be transported to or from the school or school-related
31 activity.

32 (2) The motor vehicle has passed an annual inspection conducted
33 by the Department of the California Highway Patrol and is in
34 compliance with the charter-party carrier's responsibilities under
35 Section 5374 of the Public Utilities Code.

36 (b) A driver of a motor vehicle described in subdivision (k) of
37 Section 545 shall comply with the duties specified in subdivision
38 (a) of Section 5384.1 of the Public Utilities Code.

39 SEC. 5. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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